





P.O. Box 202  
Kenvil, NJ 07847  
NJ License #5796  
Phone (973) 252-1165

Russell C. Vanderbush-Private Investigator

## MEMORANDUM OF INTERVIEW

Date: October 21, 2005

**RE: Bassem Kandil adv. State  
Our File No. 04-341**

Interview Of: Austin Shaw  
4309 Riddle Court  
Bridgewater, NJ 08807  
DOB: 7/13/82  
(908-253-9870)

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On 10/21/04, I conducted an in-person interview of Mr. Austin Shaw, 4309 Riddle Court, Bridgewater, NJ 08807 (908-253-9870). I informed Mr. Shaw that he had been identified by Bassem Kandil as a witness to an incident that occurred on 10/1/04, involving Mr. Kandil and the New Brunswick Police Department. I advised Mr. Shaw that I was a Private Investigator and not a Law Enforcement Officer and the interview would be strictly voluntary. Mr. Shaw agreed to an interview and related the following:

Mr. Shaw stated that he recalls the date of 10/1/04, when he had met Bassem, his wife Flora, Robin, Mahmoud, (Max) Abou-Elata, Mahammad, Romen and Abdel Halim at Queen's Bar, New Brunswick, NJ. Mr. Shaw is not sure of the time the group arrived, but estimates it to be between 10:30 - 11:00 PM and noted that they all left at closing (1:50 - 2:00 AM).

Mr. Shaw stated that, after the group left, he observed the group in the gas station lot talking with two girls. Mr. Shaw was walking towards the group to catch up and observed a Police car pull into the parking lot. The Police told the group "get the fuck out of here".

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The group left and after crossing the street, the Police followed and requested ID from Bassem. After Bassem produced the ID, the cop said "oh you're from Flemington" and then said "you think you're tough". Mr. Shaw stated that he was standing about 10 feet from Bassem during the comments by the Officer. He described the Officer as the "skinny cop" and the one doing all the talking.

At one point, additional Officers arrived and then left. A short time later, the skinny coy walked up to Bassem and handcuffed him. Additional Officers arrived and they jumped on Bassem, punching him in the face and about the body. They pushed Bassem to the ground, face down. Flora attempted to go towards Bassem and the Police pushed her away. They placed Bassem in a patrol car and told the group to leave and they did.

The group all went to the Police Station first and then to the hospital, but they were not allowed in.

Mr. Shaw stated that, in his opinion, the skinny cop was a hot head and the situation was out of control.

CONCLUSION OF INTERVIEW:



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## **MEMORANDUM OF INTERVIEW**

Date: October 21, 2004

RE: **Bassem Kandil adv. State  
Our File No. 04-341**

Interview Of: Abdel A. Abou-Elata  
1154 Gress St.,  
Manville, NJ 08835  
DOB: 8/1/82  
(908-938-2296-cell)

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On 10/21/04, I conducted an in-person interview of Abdel A. Abou-Elata, 1154 Gress St., Manville, NJ 08835 (908-938-2296-cell). I informed Mr. Elsakahwy that he had been identified by Bassem Kandil as a witness to an incident that occurred on 10/1/04, involving Mr. Kandil and the New Brunswick Police Department. I advised Mr. Abou-Elata that I was a Private Investigator and not a Law Enforcement Officer and the interview would be strictly voluntary. Mr. Abou-Elata agreed to an interview and related the following:

Mr. Abou-Elata recalls the night of the incident and the date of 10/1/04. He went to New Brunswick with Bassem, Bassem's wife Flora, Robin, Alex, Mahmoud, Abdel Halim and Romen and they all went in Bassem's vehicle. They went to Queen's Bar to dance and celebrate brother Alex arriving from Egypt. They arrived at Queen's bar at approximately 1:00 AM where they also met a black male, who was an associate of Bassem.

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Mr. Abou-Elata described the bar as very busy and crowded. Neither he nor his group consumed alcoholic beverages because of their religious beliefs and practices. The bar closed between 1:50 – 2:00 AM and the entire group left. They were walking and looking for a diner. They could not locate a diner and planned to go to a diner in Somerville. Flora and Robin went ahead to get the car and the group of males continued walking towards the location where the car was parked. As they were walking, they saw two girls standing by a parked car in a gas station parking lot. Romen knew the girls and stopped to speak to them. One of the girls was using a cell phone and the other girl was speaking to Romen. The remainder of the group was standing and waiting for Romen.

A Police car arrived at the location and parked next to the group. The Police Officers started to talk to the girl who had been using the cell phone. The Officer driving the Police car looked at the group and told them to leave the area and used profanity. As the group started to walk away, they saw Flora drive by and pass the gas station. They yelled at Flora, who apparently did not hear them and continued driving.

The group started to walk in the direction that Flora drove. The Police car exited the parking lot and followed the group. The Police car stopped next to Bassem and asked him "what are you waiting for". Bassem explained that he and his friends were waiting for his wife, who had driven by, and they were waiting for her to return. The group was waiting on the sidewalk and the Officer said "you can't wait here". The Officer driving the Police car exited his vehicle and told Bassem "give me your license". Bassem complied and gave the Officer his driver's license. The Officer looked at the license and then at Bassem and said "this is not fucking Flemington" and started to write a ticket. Bassem asked the Officer what the ticket was for and why he was giving him a ticket. The Officer told Bassem "don't worry about it, I do the report. He then told Bassem that he would break his neck and told him to stand against the wall. Bassem complied and stood against the wall as instructed. The Officer said "I will call 20 cops and put your fucking head in the floor". Minutes later, more Police arrived in several Police cars.

The Officer that wrote the ticket told Bassem that he was under arrest and when Bassem asked why, many of the cops jumped on Bassem, handcuffing him behind his back. After Bassem was handcuffed, several of the Officers, not just one, punched Bassem in the face and about the body. They pushed him down on the ground and punched and kicked Bassem like an animal. Mr. Abou-Elata stated that he observed one of the Officers put a metal bar across his closed fist and then punch Bassem.

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Flora & Robin arrived at the location and asked the Officer what was going on and Flora identified herself as Bassem's wife. The Officer replied "get the fuck out of her or I will arrest you too". Mr. Abou-Elata attempted to get a photograph with his cell phone/camera and the cop covered the phone/camera and said "get the fuck out of here". The Police then put Bassem in the Police car and took him away. The entire group went to the Police Station, where they were told that Bassem was taken to the hospital. The group then went to the hospital, but the Police would not let them in.

CONCLUSION OF INTERVIEW:



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## **MEMORANDUM OF INTERVIEW**

Date: October 21, 2004

**RE: Bassem Kandil adv. State  
Our File No. 04-341**

Interview Of: Mahmoud Elsakahwy  
172 Wildflower Lane  
Hillsborough, NJ 08876  
(908-763-1307)

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On 10/21/04, I conducted an in-person interview of Mr. Mahmoud Elsakahwy (Max), 172 Wildflower Lane, Hillsborough, NJ 08876 (908-763-1307). I informed Mr. Elsakahwy that he had been identified by Bassem Kandil as a witness to an incident that occurred on 10/1/04, involving Mr. Kandil and the New Brunswick Police Department. I advised Mr. Elsakahwy that I was a Private Investigator and not a Law Enforcement Officer and the interview would be strictly voluntary. Mr. Elsakahwy agreed to an interview and related the following:

Mr. Elsakahwy stated that, on 10/1/04, he was in the company of Bassem, Flora, Robin, Abdel Abou-Elata, Abdel Halim and Mohammad. They all traveled to the Queens Bar, New Brunswick, NJ, at approximately 10:00 PM, in Bassem's vehicle. No-one in the group consumed alcoholic beverages, with the exception of Robin. Because of religious beliefs, they consumed soft drinks and danced. The bar closed and the group left the bar and started to walk in the direction of their vehicle. Flora and Robin went ahead of the men to get the car as they planned on going to the Somerville Diner. All of the males were standing in a gas station parking lot when one of the persons from the group saw two girls he knew and went to talk to them.

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A Police car arrived and one of the Officers started to talk with one of the girls. Flora then drove by in the car and they were all yelling to her but she did not stop. The group of men started to walk in the direction that Flora had driven. The Police car followed and pulled alongside of Bassem. Bassem asked the Officer if there was a problem. The Officer said yea – what's your problem and Bassem replied – "no problem". The Officer then asked Bassem for his driver's license and he complied. The cop looked at the driver's license and said "this is not fucking Flemington" and started to write Bassem a ticket. Bassem asked the Officer why he was writing the ticket. The Officer replied "I write the report". Bassem was standing by the Officer and Bassem's arms were crossed. The Officer became verbal to the group and said in the direction of Bassem "I will call 20 cops and put your face in the ground. Bassem asked why and the Officer got on the radio and, within minutes, additional Officers arrived at the location.

The Officers placed Bassem under arrest. Mahmoud observed one of the Officers put something on his hand and then punch Bassem in the face repeatedly and one of the Officers was choking Bassem. Bassem was pushed to the ground and the entire group of Officers were kicking and punching Bassem about the body.

The Officers eventually put Bassem in the Police car. Flora asked the Officer what he was doing and the Officer told her to leave and they took Bassem away. The entire group went to the Police Station and they were told that Bassem was at the hospital. The group then went to the hospital and they were told that they could not go in.

CONCLUSION OF INTERVIEW:

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## **MEMORANDUM OF INTERVIEW**

Date: October 21, 2004

**RE: Bassem Kandil adv. State  
Our File No. 04-341**

Interview Of: Mohammad G. Farzaie  
20 Fieldstone Drive  
Somerville, NJ 08876  
(908-707-0411)

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On 10/21/04, I conducted an in-person interview of Mr. Mohammad G. Farzaie (Roman), 20 Fieldstone Dr., Somerville, NJ (908-707-0411). I informed Mr. Farzaie that he had been identified by Bassem Kandil as a witness to an incident that occurred on 10/1/04, involving Mr. Kandil and the New Brunswick Police Department. I advised Mr. Farzaie that I was a Private Investigator and not a Law Enforcement Officer and the interview would be strictly voluntary. Mr. Farzaie agreed to an interview and related the following:

Mr. Farzaie stated that, on 10/1/04 – Thursday evening, a group went to party at the Queens Bar in New Brunswick, NJ. The group included Bassem, Flora, Robin, Mahmoud, Abdel Abou-Elata & Abdel Halim. They went to the bar to dance and party, but Mr. Farzaie noted that they did not consume alcoholic beverages because of religious beliefs.

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The group arrived at 11:00 PM, parked about 3/4 blocks away and walked to the Queens Bar. At the bar, they danced and consumed non-alcoholic drinks. At approximately 1:50 – 2:00 AM, the bar closed and the group left by the side door. Flora and Robin walked ahead to get the car, and a short time later, the group of men started to walk in the direction that the car was parked. As the group of men went past a gas station lot, they observed two girls in a parked car and one of the men knew one of the girls and stopped to talk to the girl in the passenger side of a vehicle. A Police car arrived and the female driver got out of the car and went over to the Police car. The Police Officer said to the group of men "get the fuck out of here – fucking jerk-offs.

The group observed Flora drive by in Bassem's vehicle and Bassem yelled to her, but she continued on. The group started to walk in the direction that Flora went and as the group crossed the road, Mohammad saw the Police car turn around and then pulled up by the group. Bassem asked the Officer driving if there was a problem and the cop said "no, but I will make a problem". Both Officers exited the Police car and the driver walked in front of the car and asked Bassem for identification. Bassem asked why, but produced his driver's license. The Officer looked at Bassem's driver's license and then said "this is not Flemington, I will get 20 cops here to pummel your face into the ground". Bassem asked why it was illegal for him to wait for his wife. The cop started to write a ticket and Bassem asked why the ticket. The cop said "I make the report".

Bassem was now standing on the sidewalk, leaning on a fence and smoking a cigarette. The cop talked on the radio and then threw the ticket on the hood of the Police car and started to walk towards Bassem. Additional Police arrived and the Officer driving the first Police car said "get the guy with the cigarette". Bassem was standing with his back to the fence and the Officers grabbed him to put handcuffs on him. One of the Officers grabbed Bassem from behind, with his arm around Bassem's neck. The Officers were punching Bassem about the face and body and pushed him to the ground – face down.

Mr. Farzaie observed Mahmoud attempt to photograph what was going on with his cell phone/camera. He then observed one of the Officers close the cell phone/camera. He also noted that one of the Officers, a black cop, did not react or become involved, just stood shaking his head. The Officers placed Bassem in a Police car and drove away.



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The group then went to the Police Station and they observed an ambulance leaving the Police Station. Mr. Farzaie also saw the two girls that had been at the gas station parking lot and they were exiting the Police Station. They said "we feel bad for your friend and we came to do the right thing". Mr. Farzaie identified the female driver of the car as Pam Ratowitz or Pam Resowitz, from the Hillsborough, NJ area. He also obtained a telephone number of the female passenger (908-625-4431), but noted that this number is a mobil telephone and is not available.

The group then went to the hospital, but Security would not allow them to enter.

CONCLUSION OF INTERVIEW:

Micro-cassette received on 2/17/05

Transcribed by Susan Donohue on 2/23 and 2/24/05

Tape starts off with voices in a foreign language for a couple of seconds.

Hello?

[Sound of a long "beep" (like on a answering machine to leave a message)]

Hello.

How's \_\_\_\_\_?

He's okay. When you first called me?

Come. Where are you?

Who?

How come you didn't come and pick me up.

Didn't I tell you or are you finished?

Yeah, I am almost finished.

[Sound of a "beep" again]

*Voices of teenage kids-*

All American kids?

No. All the Egyptian kids are going behind the school.

\_\_\_\_\_ school?

Yeah. Where's Farleigh Dickson?

At the college.

Are they having a party?

Yeah.

Cool. Did someone, someone beeped?

I think I come to Judy's house, ask her.

[Foreign language]

I'll ask Tucker, okay, hold on, okay?

Okay.

Hello?

Nobody. I guess they're at your house.

***Voice of adult female-***

F1- ...stairs. Her opinion doesn't mean anything. Her opinion of the cops doesn't mean anything. You know what I mean? When, when non-cops or others, you know what I am saying, it's just like, all she knows is somebody called somebody and that was it. What can she possibility.

***Voice of adult male-***

M- My opinion is why did the cops follow us. That's my whole thing.

F1- Alright. I would love to need an explanation but there really isn't. I just talked to her. I mean, you could talk to her right now. What?

M- Let me talk to her real quick.

F1- Absolutely. Absolutely.

M- Thank you.

***Voice of second adult female (later identified as Lindsay)-***

F2- Hello.

M- Who's this?

F2- This is Lindsay. She just told you that.

M- I don't mean to put you in this whole situation, but like, you know what I am saying, like, you know we had this conversation, you remember my brother was there, the same night at like about, about what happened and blah, blah, blah, and I am not trying to put you in this whole situation but like, the shit that my family is going through, like, it should never have been right now, who know what I mean?

F2- You know I understand that, I understand that 100% to the fullest. But what I am trying to tell you is me, standing there as a bystander, you know it's great that I was there and I saw the entire thing. Is it gonna get us the same time? You have to remember that I did see the whole thing. I was in the parking lot talking to you and your, all your friends, I remember that 100% clear as day. And then I remember you walking away from me and you all walking down the street, and that's when the police officer pulled up next to you.

M- But why though, but why? Why would they follow us?

F2- Why would they follow you? Because somebody called somebody and then they came. The police came. I...you know what I am saying? Like...

M- I hear what you are saying but we didn't do nothing to you guys, right?

F2- I am sorry but I can't help you. Not in that situation.

M- I understand that. My point to you, Lindsay, is like, we didn't do nothing to you, right?

F2- Oh, 100% you did nothing to me. I will tell that to the Judge, I would tell that to the President of the United States.

M- And like we had a normal conversation about how you were going on vacation, blah, blah, blah, and the conversation was cool, and then we walked away and said by. But my point is we crossed the street, and it's red, and this guy, you know the cop, he likes turns around and follows us, but like...

F2- I called Christina, I called everybody that asked me about that situation that night, the exact same. If you could remember so clear as day, I was still in the parking lot with my friend Pam. You remember that, right?

M- I remember. I knew I had a conversation with you guys. My whole thing...

F2- I know. You were fucking around about going to the airport the next morning. And I mean, but honestly from my point of view, if you don't fucking what me to talk to somebody and you wanted me to tell someone a story about us talking in the parking lot isn't gonna mean anything to anybody. I mean, I think you should know that by now as well.

M- No, I agree. My whole thing to you is like I'm just trying to tell you like we didn't do nothing to you guys. We left. We had a normal conversation. My whole question is, and I can't ask Pam that because she is friends with this guy, or whatever, my whole thing is like why did this cop do this because we were talking to Pam, or maybe he was like made and followed us, like he made a whole, like a 360 turn, like a whole u-turn and followed us.

F2- I agree with you 100%. He pulled into the parking lot and then Pam said that you guys were across the street and you were down the way and he turned around and he followed you guys.

M- But why though?

F2- I don't know why. I could not tell you why.

M- But Lindsay, like Lindsay, I know you are an honest person like, do you agree, like that was kinda messed up though, like that was wrong...

F2- Is that right? No, I don't agree that that's right. But I cannot tell you why that Gary turned around. That him and the other police officer that were in the car that night why they turned around. I can't tell you why they followed you. I can tell you that from my guesses, maybe, maybe she told them that she felt threatened. Maybe she told them you were harassing me. I don't know what she told them. Because....

M- But you know that wasn't true though.



F2- There as nothing true. You guys did absolutely nothing to me. We had a conversation. You all were very polite. And you walked away from me. That was it. I mean...

M- You think that you took it personal like that we were talking to you guys?

F2- I don't know...

M- Would you think he took it personal? Like to me, like if he did take it personal to even follow us, you know what I mean?

F2- I, I truthfully could not tell you. I know that him and my friend are friends. I can say that. I don't know anything above and beyond that. Nor do I know...

M- But we have a situation, like how we were talking to you guys, and suddenly he made a u-turn and he followed us. And the way, it feels like he took the situation personal, you know what I mean. You know, like if I am friends with a girl and some guys are talking to her, I would be a friend and I would follow them. And that's me taking it personal. So you know, in a way like the way the whole situation went down, it looked like Gary took it personal, he made a u-turn and he liked followed us.

F2- You know, I mean, you know I would go 100% with you. Maybe he took it personal at that time. Maybe there were words exchanged between Pam and the police officer and maybe she said that she felt threatened. I mean in these circumstances I have no clue.

M- We don't, we don't know what she said mainly.

F2- I have no clue what she said. If, I mean, if you want to know what she said, I mean, the best thing I could tell you is you would need to contact her and you would have to ask her.

M- But really, you know that like 10 of them, like beats him up to the floor, punches him in his face...

F2- I know. I, I...

M- It was so wrong. He's sitting there like get off of me. Like crying, like get off of me. And you know what Gary, you know what the police report said? That he tried to steal Gary's gun.

F2- I know. I, I heard that as well.

M- But she never did that though. They had like 8, 10 of them attack him. They messed up his face. He went to the County Jail and got \$200,000 bail and the cop said that he tried to steal his gun. He had his wife over there. You know what I am saying?

F2- I know.

M- But, like, why would they say like he took his gun away. Like, it didn't make sense. Like the whole police report is screwed up.

F2- That's police for you. I mean, I mean, like I know that you are not naïve, like, but that's the police for you. That's, that's something in a situation where, you know what it is, it could be a cop-out. You know something, maybe those police officers had no justification for what they did. Maybe they did, maybe they didn't. But if they are gonna say that someone tried to take a gun from them, you, I know you are going to understand that when a police officer or anyone who has a credentials whatsoever with the law says that, there is absolutely nothing that could be said against that.

M- I know. And the fact that...

F2- You could fight until the day you die and I swear to God, you know what I mean, that is just how it is, you hear about stories about this on the news everyday. I mean it is the most unfair thing in the world. But honestly.

M- Like Lindsay, I know like you were far and you probably saw him like get attacked but you didn't see what happened. You know what I am saying? You probably saw the cops like. But they liked punched him in the face and like to the floor. New Brunswick has a history of doing that. You know like we weren't punk kids that came in there. I could understand New Brunswick you know deal punk kids. Like we went there, you know what I mean, my friend, the one that got beat up, he had his Bachelor's, I am this kid is smart. Never got in trouble once with a cop.

F2- Of course. But then again you have at the same time police in New Brunswick, I mean for one, the State, they see these kids every night wasted in the streets, every single night causing problems. I am not saying you guys were causing problems but, I mean...

M- Did you hear like when Gary or one of them yelled something out of the window?

F2- No. I didn't hear anybody yell anything out of the window. I heard words exchanged but I could not tell, not tell you what was said.

M- I heard curse, I couldn't really tell either but I heard when he pulled up, and like we kept our mouths shut, you saw we didn't say nothing to him. You know if we had said

something to him we would have ended up having a situation at that Shell, Shell gas station.

F2- Of course, of course.

M- My point is we didn't. Yeah he yelled something like you jerk-offs or something. I don't know exactly what his words were but it looked like, you know, kinda, and we kept our mouths shut. That's why, let's just go. After like he yelled, he had the windows open and he was parked this way, and Gary was driving, but the other guy, I don't know who and I know you don't know, 'cause we weren't paying attention, like yelled something across to us. And we didn't even say anything. And then we just went and walked across the street and left them. And there's go the u-turn.

F2- Mm-hm.

M- You know we didn't say anything. We were being respectful to the cops. We didn't say anything to them.

F2- I mean...I mean it's like 2 o'clock in the morning and like nobody wanted drama. I mean.

M- I know, not even us. It was like from the beginning I mean like he was parked there, and like I remember Pam walked up to the car and then like 2 seconds later she screams something at us. And like I know you didn't hear what she said...

F2- At that point I was still on the other side of the car from where I was walking to you guys. I never approached the police car. I did not want to get involved in any of that stupid drama. You know like what I am saying. It comes to a point where friends and relationships and emotions fly...

M- you really can't get involved...

F2- I didn't want to get involved. I just didn't want to get involved.

M- Did you think something was gonna happen by the way when he pulled up to you guys talking to us? Did...

F2- Anything was gonna happen because I mean I have seen him more times than not. You know what I am saying?

M- You know when I saw him later on he looked like a jealous person though.

F2- Whether anybody was cursing, I couldn't tell you because I really don't remember.



M- I hear you. You know what it is? She is gonna go to court and obviously, he is like my brother, and I am gonna help him. I actually wanted to talk to you which I know you gave me you number wrong. I wanted to talk to you to feel you out about like what you kinda thought about it and, and it bothered me. And I have been trying to get in contact with Christina like I talked to you, and I have nothing against you until this day I will still be cool with you. And like there is nothing against you. Like, he asked me like what are they gonna do, like he is scared, he is nervous, you know like he is going against something like, wow, there are a lot of innocence people now that are in jail right now. Like you know that.

F2- Oh of course, there are innocent people across the country in jail.

M- And like he is innocent. It started like, you know, like he didn't do anything and now he is facing seven serious, serious charges, and like now how do I help him. Like you know, my point is like, we didn't do anything. Like the whole situation was just messed up. We didn't do anything wrong. From beginning to the end. He couldn't do anything wrong because he was handcuffed by like ten cops getting all punched in the face. How did he take the gun out at them? I don't understand. You know what he put on the police report? That he took the holster, he snapped the holster, he grabbed the gun out. Would you believe something like that? With ten cops being there and they handcuffed him already. The reasons why they probably made that remark is because did you see what his face looked like?

F2- No.

M- His face was done. You wouldn't even notice his face. As soon as we bailed him out, he came out and his face looked like one of those burnt pizzas.

F2- No. I didn't see it happen, like I didn't see him like get up and put into a car. You know like look at his face.

M- Did you, they said in the police report that he grabbed Gary and he threw him against the wall. Would you believe that Lindsay? That he threw Gary against the wall while he was handcuffed.

F2- I mean the chances are, probably not. But, you know what I mean, like I wouldn't want to believe that but at the same time, you know what I am saying, I definitely wasn't there.

M- I know. But let me ask you another question. Do you remember when we were walking away and he kept approaching us, he kept like slowing down at us.

F2- No. I don't remember because at that point I don't think I was paying attention. I think I was on the phone with my boyfriend.

M- Okay.

F2- I remember I was on the phone with my boyfriend. You know I was facing the other direction. Getting in the car getting ready to go home. Then Pam told me that there was something going on across the street and she started to run towards what was going on. So instinctively as being a friend and also being...

END OF SIDE A

...police car and a lot of people, you and all your friends gathering about the street.

M- And then did you see at that point when you got there how was he like, was he handcuffed, was he on the floor or at that time nothing?

F2- I don't remember actually to tell you the honest to God truth. Because I will honestly tell you...

M- Tell me, when you walked over there was he in handcuffs?

F2- I think so. But at the same time you are asking me questions that I don't remember because I really wasn't paying attention. I am telling you 100% what I saw. And when I got there I had no clue where you were, where Gary was, where, where the next person standing to me where they were and what they were doing. It was very fast. The thing that happened was very fast. I know you can agree with that.

M- Of course. I mean when you have like ten cops running towards him and beat him up for no reason then like...

F2- There are police officers everywhere saying please stand back. I know for a fact that there were police officers surrounding the entire thing on both sides of the street, both sides of what was going on, saying please stand back. So I mean like I could not push past the cop.

M- I mean I couldn't either. And I am sitting there watching him get punched in the face. I couldn't do nothing. I mean like I got thrown against the cop car.

F2- Of course there is nothing you could, you know what I mean in that situation, I mean I understand that he is your friend and that he is very close to you, he could be your brother, then again at the same situation you don't want to get up caught in the mix of that. Because what if...

M- No I don't.

F2- ...at the same time.

M- I know. No, I agree with you 100%. I had tears down my eyes like he is getting punched by cops and I can't do nothing about it.

F2- There was a lot of screaming. There was a lot of yelling. There was a lot of like, you could hear the fighting. Like when people fight like they make like grunts and groans and...

M- The funny part is like it wasn't even a fight, like I could understand it if he was fighting a cop like one on one but like ten cops were like punching his face. He was just screaming. He was like, "Get off me." That's all he is doing and like they were...

F2- From that point, I don't, don't recollect what happened. I personally thought that when the police officers got out of the car that it was for all of you guys. And all of you guys were hanging out and I thought maybe they got out of the car and said "go the fuck home; get off the street; get out of here; we are going to charge you with \_\_\_\_\_ public or something. You know what I am. Anything of that nature like. Like those cops being dicks. Like: go the fuck home. That's what I thought was going on. Besides saying like: get the fuck out of here. You know what I mean, like: get off my streets. That's what I thought was going on.

M- No, I agree. What pissed me off the most was like after we were talking to you guys, then they followed us. Like, why did they follow us. Like they were going this way. Why did they have to make a u-turn. Why did they have to slow down at us. Why did they try to...

F2- Why they had to come in the first place is something that I cannot answer you.

M- Well, did they come because did they know you guys were there. Did they called? You understand?

F2- Remember, I was talking to you. I was talking to you and, and the guy, the guy that got hurt that night. I remember he had a yellow shirt on that night. I was talking to you and him.

M- You know what?

F2- You were on my left and he was standing on my right. And you two...

M- I know Pam got on the phone because I know she was on the phone when I was talking to you.

F2- Yes. When you were talking to me, I know...



M- She had to call him because I remember she like walked away kinda like she didn't want anyone to hear her conversation 'cause I remember I was looking over. She called...

F2- See, I don't remember that 'cause my back was to her and I was facing you and all of your friends.

M- Yeah, no, I hear you. I am saying I was facing you so that means I was facing the other side and I remember and I think you know when Gary got there and I was think he was kinda like in that situation where he got called by Pam and he now he thinks there is any issue, you know what I mean?

F2- Uh huh.

M- Look he took it personal.

F2- I mean, if that was, but then again, if you want to know something, that, that's an extremely good point that you bring up. But I can't give you 100% fact because...

M- I just want to make sure you, I just want to make sure that anything in the future, I mean obviously you know we are cool and everything, I just want the truth to just come out. Just 'cause I don't want him to get screwed and look at 20 years in jail for something that he did not even do. You know what I mean?

F2- Uh huh.

M- That's all. I mean, you know when we were talking to you, we did not disrespect, we did not harass you, or Pam, and you know that. We did not. We showed you 100% politeness and we were nice to you guys.

F2- Exactly. And that's the first thing that I said that, that's the first thing that I told you that night. That's the first thing that I told Christina...

M- And I respected that. Yeah.

F2- ...sorry. I said these boys were nice. They were polite. Like, we kinda joked around like, and that was it. And we talked about some stupid shit about going to the airport the next day, and I said: guys, you know, we are not going to do anything tonight; we are going to go home; guys, have a good night. Every single one of your friends said good-night; take care; get home safe. We said good-by and you guys walked off.

M- Yeah.

F2- And everything that happened from there was just as much of a shock to me as it was to you.

M- Of course. I would go nuts. Oh my God, like I didn't know how to act. I mean, he like sat there...

F2- I mean like we are in the same boat. Like we were all like in the bars together. The same bar. We were all hanging out together. You know what I am saying? Like...

M- You know what the funny part is though, no one, none of us really even drank. I didn't have, I didn't even drink.

F2- Oh, really?

M- You know what I am saying, like I basically. Like I had work the next day. I didn't even drink. You know when I was talking to you, you would know, like we had a normal conversation, right?

F2- Yes.

M- You would know if I was drunk.

F2- Of course.

M- I would be smelling, I would sit there and be like, kinda like, hung up, you know what I am saying? Like some stupid shit that somebody would do.

F2- Of course.

M- You know. Like I came up to you. Talked to you. You saw none of us were drunk.

F2- I know 'cause if you guys were drunk I think you would have...

M- ...been disrespectful...

F2- ...or you would have been a little harassing like baby this, baby that, like...

M- Exactly my point. My point is how about the guy that beat up though. The guy that got beat up. He wasn't drunk. You know no one there was drunk. Tell me that. No one was.

F2- No. You guys all acted 100% completely normal, completely fine, completely sane. Just because you got out of a bar doesn't mean that you were drunk.

M- Exactly. But the point is, that's how they're looking, like on the police report that they said, um, that Bassem Kandil came to the window and told the cops "Get the fuck out of the car" and the cops smelt the odor of alcohol on him, and told him, and then the cops came out and called for back-up. It was all such bullshit to listen to that. It was ridiculous. It was bullshit. You know what I mean? It was really bullshit. You know, like. We didn't even smell like alcohol talking to you 'cause I know that as a fact because if I ever, ever, you know I usually don't drink a lot at all, and if I do drink then people can smell alcohol on me. And I know you didn't sit there and smell, like the police say "a strong odor of alcohol". You know?

F2- It's nuts.

M- It is.

F2- It's nuts.

M- You know, the main thing is, and I hope everything goes well 'cause everyone wants to live their life. I mean, the guy's got like a three year old daughter.

F2- Mm, mm.

M- And you know what it is? He's only, he's like 28 years old. The only reason why, you know he went to Rutgers before. His wife is only 21, 22. And she's the one that kinda wanted to go hang out at the college though. He wouldn't had even been in there.

F2- Of course. He...

M- It's like he went there because of her.

F2- And you know what, I respect that.

M- And he wasn't even trying to kick it to you. He was like quiet.

F2- Mm hm.

M- And like the whole time, like. And like it kinda hurts me 'cause this guy sitting there quiet, we're respectful. No one even drank. And like everyone there is sober. We walked away and this shit happens—he gets punched in the face, he goes to jail, he goes, you know. It's like. And, and they kinda like delay is whole medical attention. They did not even want to take him to the hospital. You know that?

F2- No.

M- Yeah. They didn't even want to take him to the hospital.

F2- That's, that's horrible.

M- They told him that the sergeant or somebody said that if he goes to the hospital they are going to double his bail. And do you know what his bail was? And I don't know if a situation like this, his bail was \$150,000 cash only.

F2- That's not...

M- \$150,000 cash only. And I am figuring at worse it was like \$75,000 and that they like doubled it. 'Cause they did not want him to go to the hospital looking the way his face was.

F2- Of course 'cause they wanted to cover it up. They wanted to keep him as low key as possible.

M- And yeah, they like snuck him out of the hospital and we're sitting there waiting at the hospital. And they said he already went to the jail. They weren't even telling us. Everyone was being assholes to us that night. I mean, the hospital, like I mean, you know, it was just a situation you know, I am sure the cops were panicking like, oh my God, something is going to go wrong. You know what I mean? What do we need to do? Now charge him for it. 'Cause like saying, telling people, telling the jury or the judge that we beat up his face because he stole our gun...

F2-...

M- Huh?

F2- Did you go to court yet?

M- He's been going to first appearance and all of that stuff. You know they still have to go through all of this bullshit.

F2- Does he have a good lawyer?

M- Of course you've got a good lawyer. I mean, the thing is this though, you could have the best lawyer. Again, there's God, that's all there is, that's going to sit there and help you. Other than that, I mean, you know, the truth is the truth. The lawyer is just gonna try and back you up in every way he can. But you are in a situation, you are dealing with cops. Like, like how, you know, it's not someone from outside, you are dealing with cops. Like, that's not easy. Even if you're right, it's still hard. You can be the most right person but when you are dealing with police, it's like hard. You can be



the innocent one. In this situation, and I swear to my Mother and like, he did not do anything wrong. All he, all he simply asked the police is: is there a problem? And then after that he said: but no, I am gonna make one. Jumped out of the car, started asking for his I.D. He never approached him and said: get the fuck out of the car. He never. You would have heard it. Anybody would have heard it: get the fuck out of the car. You know, they claim that we were yelling: get the fuck out of the car; take your badge off. You know, everybody across the bar would have heard us say that. You know, like you know you could hear that, you know? How could we walk up to us and whisper: get the fuck out of the car; get your badge off. Nothing went down. Everything was still calm. He was checking I.D.'s, he was writing tickets for no reason. Everything was cool. Next thing you know it he called back-up and all the police ran and started beating him up. That's what happened. All he was doing was smoking a cigarette against the thing and that was it. You know it was bullshit man, I, I just feel 10 times better. You know what I am saying? Just knowing that you are still friends with them and I'm not, but like I just, I just hope you do the right thing and basically and I am just glad that I had a chance to talk to you and actually feel you out. And you know, I am definitely going to tell him how, that obviously I talked to you and hopefully he will feel better. I mean, the guy can't even sleep at night. He comes to work and he's all like shaking, like he is scared. He's scared 'cause he didn't do anything. He doesn't deserve to live his life like this. You know. He has a three year old daughter, you know, he just doesn't need to live like this. You know? Hello? Hello? Hello? Hello?

END OF SIDE B

P.O. Box 202  
Kenvil, NJ 07847  
NJ License #5796  
Phone (973) 252-1165  
Fax (973) 584-6282

# Russell C. Vanderbush-Private Investigator

February 7, 2005

Robert D. Kobin, Esq.  
Nusbaum, Stein, Goldstein, Bronstein & Kron  
20 Commerce Blvd.  
Succasunna, NJ 07876

**RE: Bassem Kandil adv. State**  
**Our File No. 04-341**

Dear Mr. Kobin:

The following is a supplemental to my report of 1/26/05.

## 1/27/05

I received additional information from Mr. Kandil, that one of the females in the gas station parking lot has been identified, by Mohammad Farzaie, as Pamela Radziewicz. I was advised that Ms. Radziewicz resides in the Hillsborough, NJ area and had attended Cook College. Mr. Kandil could not provide a telephone number or address.

I conducted a Property Ownership Search under the name of Radziewicz, Hillsborough, NJ and located a Clifford J. & Patricia Radziewicz at 36 Francis Drive, Hillsborough, NJ. I conducted a Skip Trace Search under the name of Pamela Radziewicz, 36 Francis Dr., Hillsborough, NJ and located Pamela Radziewicz, SS#144-74-7718, with a current address of 36 Francis Dr., Hillsborough, NJ - telephone or DOB was not provided (see attached printout).

## 2/5/05

I responded to 36 Francis Dr., Hillsborough, NJ. A female, who identified herself as Pamela Radziewicz's mother responded to the front door. I identified myself as a Private Investigator and requested to speak to Pamela Radziewicz, who was identified as a witness to an incident that occurred in New Brunswick, NJ on 10/1/04, involving the New Brunswick Police and Mr. Bassem Kandil. I advised her that Pamela was identified as a witness who was present at the location of the incident and later being at the New Brunswick Police Station.

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Ms. Radziewicz stated that Pamela was advised that she did not have to say anything or talk to anyone and she therefore refused to speak to me. I inquired if the Police told Pamela that she did not have to say anything and Ms. Radziewicz indicated that the Police told Pamela she did not have to provide a statement or provide any information.

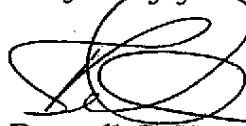
As I was leaving the Radziewicz residence, Ms. Radziewicz (Pamela's mother) approached me while I was seated in my car. She advised that Pamela was upset that I obtained her personal information and address. She advised that the information that Pamela was at the Police Station was erroneous and Pamela denies being at the Police Station. Ms. Radziewicz stated that Pamela is upset and thinks she is in trouble and Ms. Radziewicz inquired if Pamela could be "subpoenaed". I informed Ms. Radziewicz that Pamela had been identified as a witness by other witnesses and she could be subpoenaed as a witness. Ms. Radziewicz stated that she was aware that Pamela had knowledge of the incident, but she could not provide further details.

A female exited the house with a telephone in her hand and she was standing on the front porch. The female was Pamela Radziewicz and she was shouting in my direction that she had the Police Officer on the telephone and that I should get my facts straight and she questioned as to how I obtained her personal information.

I informed Pamela's mother that I obtained Pamela's name from other witnesses and that I did not obtain any personal information regarding Pamela. I provided my business card to Ms. Radziewicz.

If I may be of any further service to you, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "Russell C. Vanderbush", written over a horizontal line.

Russell C. Vanderbush

RCV/db  
(enc.)